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Paper No. 5

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**DEC 11 2001**

**OFFICE OF PETITIONS**

In re Application of :  
Robert A. Koch et al :  
Application No. 09/894,257 : DECISION ON PETITION  
Filed: June 28, 2001 :  
Attorney Docket No. 60027.0007US01 :

This is a decision on the paper styled "Request For Corrected Filing Receipt" filed September 17, 2001, requesting that the above-identified application be accorded a filing date of June 28, 2001, rather than the presently accorded filing date of June 29, 2001.

Applicants request the earlier filing date on the basis that the application was purportedly deposited in "Express Mail" service with the U.S. Postal Service on June 28, 2001, pursuant to the requirements of 37 CFR 1.10. In support, applicants provide a copy of the Express Mail label, receipt No. EL814837541US. It is noted that while the "date-in" on the copy of the Express Mail receipt was left blank, it includes a "Pacific Station" receipt stamp dated "June 28, 2001". It is noted that the same Express Mail label number appears on the copy of the original transmittal letter submitted with the present application.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on June 28, 2001.

The petition is granted. A copy of the corrected Filing Receipt is enclosed.

The application is being returned to Technology Center AU 2661 for examination in due course.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

*Sherry Brinkley*  
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Petitions Examiner  
Office of Petitions  
Office of the Deputy Commissioner  
for Patent Examination Policy

Enclosure: Corrected Filing Receipt